

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAY THOMAS ENCISO,

Plaintiff,

vs.

CIV No. 12-0920 LH/SMV

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security Administration,**

Defendant.


**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition to Grant Plaintiff's Motion For § 406(b) Fees ("PF&RD"), issued on December 10, 2015. [Doc. 54]. On reference by the Court, [Doc. 36], the Honorable Stephan M. Vidmar, United States Magistrate Judge, recommended that Plaintiff's Motion for Order Authorizing Attorney Fees Pursuant to 42 U.S.C. § 406(b) [Doc. 52] be granted and that Plaintiff's counsel be awarded \$26,705.23 in attorney fees. [Doc. 54]. No party objected to the PF&RD, and the time for doing so has passed. The Court agrees with Judge Vidmar that the fees requested do not exceed the statutory cap and are reasonable. *See* § 406(b).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Magistrate Judge's Proposed Findings and Recommended Disposition to Grant Plaintiff's Motion For § 406(b) Fees [Doc. 54] are **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Order Authorizing Attorney Fees Pursuant to 42 U.S.C. § 406(b) [Doc. 52] is **GRANTED**. Plaintiff's counsel is awarded \$26,705.23 in attorney fees pursuant to § 406(b)(1) for representing Plaintiff before this Court. Finally, in accordance with *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), counsel shall refund to the Plaintiff the amount of EAJA fees previously awarded.

IT IS SO ORDERED.



SENIOR UNITED STATES DISTRICT JUDGE